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**DIGEST OF OTHER RECENT VIRGINIA DECISIONS.****Supreme Court of Appeals.**

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**HARVEY v. COMMONWEALTH.**

January 12, 1905.

[49 S. E. 481.]

**RAPE—CONVICTION—EVIDENCE—SUFFICIENCY.**

1. On a prosecution for rape, evidence *held* insufficient to sustain a conviction.

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**CITY OF RICHMOND v. GAY'S ADM'X.**

January 12, 1905.

[49 S. E. 482.]

**GAS—DEFECTIVE PIPES—ACTION FOR WRONGFUL DEATH—CONTRIBUTORY NEGLIGENCE—DEFENSES.**

1. A declaration in an action against a city for wrongful death caused by gas escaping from one of defendant's mains to decedent's house, which otherwise states a cause of action, is not defective because it does not state what particular main was defective.

2. In an action against a city for wrongful death resulting from gas escaping from some of defendant's gas pipes, where there was evidence that gas had previously escaped into other parts of the house in which decedent lived, and defendant had made some effort to remedy the defect, whether, having knowledge of these facts and of the fact that illuminating gas is dangerous to life, decedent was guilty of want of ordinary care in remaining in the house, or in not taking other precautions for her safety, was a question for the jury.

3. It is no defense to an action against a city for wrongful death from gas escaping from a main that the gas escaped from the main into an abandoned sewer, and from the sewer to decedent's house through a private pipe, instead of from a leak in the main to the house, as alleged.

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**SAVAGE v. SOUTHERN RY. CO.**

January 12, 1905.

[49 S. E. 484.]

**RAILROADS—INJURY TO ONE WALKING ON TRACK—DUTY TO LOOK AND LISTEN—DISCOVERED PERIL—CONTRIBUTORY NEGLIGENCE—EVIDENCE.**

1. One walking on a railroad track is bound to listen and keep a lookout in each direction for approaching trains.

2. A locomotive engineer who sees a person walking on the track is required to stop the train only after seeing that the pedestrian is taking no measures for his own protection.